

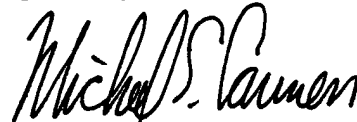
REMARKS

Claims 1-14, 16-27 and 29 are now pending in this application.

The Examiner has provisionally rejected Claims 1-14, 16-27 and 29 under the judicially created doctrine of obviousness-type double patenting as being obvious over Claims 1-13, 16-27, 30 and 33-40 of co-pending Application No. 09/217997. Initially, the Examiner's citation of co-pending Application No. 09/217,997 is believed to be a typographical error as the 09/217,997 application is related to free size caps. It is instead believed that Application No. 10/217,997 (now U.S. Patent No. 6,743,266 issued June 1, 2004) is the correct co-pending application. Applicants submit herewith a Terminal Disclaimer disclaiming that part of the term of any patent maturing from this application, which would extend beyond the term of U.S. Patent No. 6,743,266 thus overcoming the judicially created doctrine of obviousness-type double patenting provisional rejection. Accordingly, withdrawal of the rejection is respectfully requested.

For the foregoing reasons, Claims 1-14, 16-27 and 29 as presented herein are believed to be in condition for immediate allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Carmen". The signature is fluid and cursive, with the first name "Michael" being more prominent.

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